

Rejection of Claims 1,2 and 14-17 under 35 U.S.C. § 102(b) as being anticipated by White et al. (US 5,495,482):

Applicant respectfully traverses the rejection of claims 1, 2 and 14-17 under 35 U.S.C. § 102(b). We refer to MPEP § 2131 which provides: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant respectfully submits that **White et al.** does not anticipate, either expressly or inherently, each and every element as set forth in independent Claims 1 and 17. Specifically, independent Claim 1 requires "combining the modulated digital payload and the predefined modulated transmission protocol bits to provide the transmission packet, wherein the modulated digital payload is in the payload field and the modulated transmission protocol bits are in the data independent field".

White et al. describes at column 16, lines 23-40 "*The buffer descriptors permit a plurality of fixed size buffers to be economically utilized. Since a plurality of buffers can be linked by means of the buffer descriptors, this permits common or repetitive information or control data to be stored in selected buffers and incorporated when needed by addressing the associated buffer descriptor and changing its next (write or read) buffer descriptor address as required. For example, a commonly used packet preamble consisting of synchronization data could be stored in one buffer or if too large for one buffer a series of linked buffers by associated buffer descriptors whereby the first associated buffer descriptor can be addressed and the next (write or read) buffer descriptor addressed changed for each new packet to be transmitted. This also*

provides the advantage of permanently storing certain information in buffers and allowing reuse of that information by directly reading it from the buffer at the appropriate sequence in later generated packets". It is submitted that the information and data stored in the buffers of **White et al.** are used with form at least part of the packet header 315 in FIG.3 and then the complete packet 300 is modulated. In other words the information and data stored in the buffers is not predefined modulated transmission protocol bits it is just simply un-modulated information and data.

It clear that **White et al.** does not disclose combining the modulated digital payload and the predefined modulated transmission protocol bits to provide the transmission packet, wherein the modulated digital payload is in the payload field and the modulated transmission protocol bits are in the data independent field" as required by independent Claim 1. It is therefore submitted that claim 1 is novel over **White et al.** and for similar reasons it is also submitted that independent claim 17 is novel over **White et al.** and thus Applicant requests that Claims 1 and 17 now be passed to allowance.

Dependent Claim(s) 2 and 14-16 depend from, and include all the limitations of independent Claim 1, which claim was shown to be allowable for the reasons given above. Therefore, Applicants respectfully submit that dependent Claims 2 and 14-16 are in proper condition for allowance and request that Claims 2 and 14-16 now be passed to allowance.

Rejection of Claims 3-13 and 18-25 under 35 U.S.C. § 103(a) as being unpatentable over White et al. (US 5,495,482):

It is submitted that since claims 3-13 depend from claim 1 that was shown to be allowable for the reasons given above, then claims 3-13 should be considered allowable. Similarly, since claims 18-25 depend from claim 17 that was shown to be allowable for the reasons given above, then claims 18-25 should be considered allowable. Therefore, Applicants respectfully submit that dependent Claim 3-13 and 18-25 are in proper condition for allowance and request that Claim 3-13 and 18-25 now be passed to allowance.

In view of the foregoing, Applicant submits that that the rejection of Claims 1-25 under 35 USC 102 (b) or 35 USC 103 (a) is improper and should be withdrawn. Applicant requests that Claim(s) 1-25 now be passed to allowance.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.
1303 East Algonquin Road
IL01/3rd Floor
Schaumburg, IL 60196
Customer Number: 22917

By: _____/Daniel K. Nichols/
Daniel K. Nichols
Attorney of Record
Reg. No.: 29,420

Telephone:847-576-5219
Fax No.: 847-576-3750